

☐ SOP ☒ CCCMS ☐ CLEAR

OK 3060

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

# RULES VIOLATION REPORT

804 to records on

By

NUMBER 46981	INMATE'S NAME LARSEN	RELEASE/BOARD DATE	INST CSP-LAC	HOUSING NO. FCB5-140L	LOG NO. C13-01-0105
VIOLATED RULE NO(S) CCR §3290(d)		SPECIFIC ACT(S) REFUSAL TO PROVIDE URINALYSIS TEST		LOCATION C-Dining Hall	DATE 01-30-13
				TIME 1630	

## CIRCUMSTANCES

On Wednesday, January 30, 2013, at approximately 1630 hours, while performing my duties in the Northside dining hall during the evening meal, I observed Inmate LARSEN, D-46981, FCB5-140L, talking with the Correctional Supervising Cook regarding his Religious Diet card. I notice that inmate LARSEN'S speech was extremely slurred and that he was having difficulty articulating his words. Upon closer observation I noticed that inmate LARSEN'S eye pupils were dilated. I immediately informed Correctional sergeant F. Villalobos of my observations regarding inmate LARSEN. Sergeant Villalobos directed me to order inmate LARSEN to submit to a urinalysis test. I subsequently located inmate LARSEN in Housing Unit C5 and ordered him to submit to a urinalysis test. Inmate LARSEN refused to submit to a urinalysis test, stating, "Fuck your fucking drug test Phan." I again ordered inmate LARSEN to submit to a urinalysis test and he refused.

Inmate LARSEN is aware of this report.

Inmate LARSEN is a participant in the Mental Health Services Delivery System at the CCCMS level of care.

REPORTING EMPLOYEE (Typed Name and Signature) T. Phan, Correctional Officer		DATE 01-30-2013	ASSIGNMENT C5 PIR #2	ROOM F/S
REVIEWED EMPLOYEE (Typed Name and Signature) F. Villalobos, Correctional Sergeant		DATE 01/30/13	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input type="checkbox"/> ADMINISTRATIVE <input checked="" type="checkbox"/> DISCIPLINARY	OFFENSE DIVISION F (S)	DATE 1/30/13	CLASSIFIED BY (Typed Name and Signature) R. Fritz, Captain	HEARING REFERRED TO <input type="checkbox"/> MC <input checked="" type="checkbox"/> SWC <input type="checkbox"/> SC <input type="checkbox"/> PS
COPIES GIVEN INMATE BEFORE HEARING				
CDC 115	BY (STAFF'S SIGNATURE) J. Davis	DATE 2/4/13	TIME 1800	TITLE OF SUPPLEMENT <input type="checkbox"/> SUMMARY OF DISCIPLINARY PROCEDURES (114 Back Page) <input type="checkbox"/> SUMMARY OF DISCIPLINARY PROCEDURES AND INMATE RIGHTS (114 Back Page)
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY (STAFF'S SIGNATURE) J. Davis	DATE 2/4/13	TIME 1800	

## THE STAFF MEMBER ISSUING THE INITIAL COPY SHALL COMPLETE THIS SECTION

### Assistance Provided To Ensure Effective Communication:

- ☐ Use of Text Magnifier ☐ Read Documents to "S" ☐ Lip Reading
- ☐ Foreign Language Interpreter ☐ Sign Language Interpreter ☐ Verbal Notes (see attached notes)
- ☒ Simple English ☐ "I" was wearing his hearing aid(s) ☐ S.A. Assigned
- ☐ "S" stated he did not need any assistance for effective communication

### Method Used To Determine Communication Was Effective:

- ☒ "S" rephrased in his own words what was explained ☐ "S" asked appropriate questions regarding the information provided
- ☐ "S" provided appropriate substantive responses to questions asked ☐ "S" did not appear to understand the communication, even though the primary method of communication was used
- ☐ Other

SIGNATURE OF EMPLOYEE WHO COMPLETED THIS SECTION X J. Davis	PRINTED NAME OF EMPLOYEE K. Graves	DATE SIGNED 2/4/13
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(REFER TO RULES VIOLATION REPORT - PART C FOR HEARING PORTION)

REFERRED TO ☐ CLASSIFICATION ☐ OPTNAAA

ACTION BY (TYPED NAME) M. Nunez, Correctional Lieutenant (SHO)	SIGNATURE M. Nunez	DATE 2/13/13	TIME 1440
BY (SIGNATURE) R. Fritz, Captain	DATE 3/7/13	BY (SIGNATURE) T. Cromwell, Associate Warden	DATE 3/14/13
<input checked="" type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING		BY (STAFF'S SIGNATURE) J. Davis	

CDC 115 (7/89)

## SERIOUS RULES VIOLATION REPORT

CDC NUMBER D-46981	INMATE'S NAME LARSEN	VIOLATED RULE NUMBER CCR §3290(d)	DATE 01-30-13	INSTITUTION CSP-LAO	INMATE NO. C13-01-0105
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VERBAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☐ YES ☒ NO

## POSTPONEMENT OF DISCIPLINARY HEARING

<input type="checkbox"/> I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE N/A	DATE
<input type="checkbox"/> I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE N/A	DATE
DATE NOTED OF OUTCOME RECEIVED	DISPOSITION N/A	
<input type="checkbox"/> I REVOKE my request for postponement.	INMATE'S SIGNATURE N/A	DATE

## STAFF ASSISTANT

STAFF ASSISTANT <input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE	DATE
<input checked="" type="checkbox"/> ASSIGNED	DATE 2/4/13	NAME OF STAFF K. [unclear] ASSIGNED IN CCR
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON #	NO TAKE SEVERE OR FILE = 10.8 NO TAKE SEVERE OR FILE DMMC per 3315(A)(2)

## INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE <input type="checkbox"/> REQUESTED <input type="checkbox"/> WAIVED BY INMATE	INMATE'S SIGNATURE	DATE
<input type="checkbox"/> ASSIGNED	DATE	NAME OF STAFF
<input checked="" type="checkbox"/> NOT ASSIGNED	REASON DMMC per CCR 3315 (d) (1)	

EVIDENCE INFORMATION REQUESTED BY INMATE

## WITNESSES

WITNESSES REQUESTED AT HEARING IF NOT PRESENT, EXPLAIN IN FOOTNOTES					
<input type="checkbox"/> REPORTING EMPLOYEE	<input type="checkbox"/> STAFF ASSISTANT	<input type="checkbox"/> INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> NONE	
WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)			WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)		
GRANTED	NOT GRANTED	GRANTED	NOT GRANTED	GRANTED	NOT GRANTED
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## THE OFFICER ISSUING THE FINAL COPY TO THE INMATE SHALL COMPLETE THIS SECTION

## Assistance Provided To Ensure Effective Communication:

<input type="checkbox"/> Use of Text Magnifier	<input type="checkbox"/> Read Documents to "I"	<input type="checkbox"/> Lip Reading
<input type="checkbox"/> Foreign Language Interpreter	<input type="checkbox"/> Sign Language Interpreter	<input type="checkbox"/> Written Notes (see attached notes)
<input checked="" type="checkbox"/> Simple English	<input type="checkbox"/> "I" was wearing his hearing aid(s)	<input type="checkbox"/> C.A. Assigned
<input type="checkbox"/> "I" stated he did not need any assistance for effective communication		

## Method Used To Determine Communication Was Effective:

<input checked="" type="checkbox"/> "I" repeated in his own words what was explained	<input type="checkbox"/> "I" asked appropriate questions regarding the information provided
<input type="checkbox"/> "I" provided appropriate substantive responses to questions asked	<input type="checkbox"/> "I" did not appear to understand the communication, even though the primary method of communication was used
<input type="checkbox"/> Other	

SIGNATURE OF EMPLOYEE WHO COMPLETED THIS SECTION X [Signature]	PRINTED NAME OF EMPLOYEE K. [unclear]	DATE SIGNED 3/14/13
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INVESTIGATOR'S SIGNATURE [Signature]	DATE
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COPY OF CDC 115-A GIVEN INMATE	BY (STAFF SIGNATURE) [Signature]	TIME 1800	DATE 2/4/13
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CDC 115-A (7/08)

- If additional space is required use supplemental



## RULES VIOLATION REPORT - PART C

PAGE 1 OF 3

DOC NUMBER D-46981	INMATE'S NAME LARSEN	LOG NUMBER C13-01-0105	INSTITUTION CSP-LAC	TODAY'S DATE 2/28/2013	
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF	<input type="checkbox"/> CDC-115 CIRCUMSTANCES	<input checked="" type="checkbox"/> HEARING	<input type="checkbox"/> I.E. REPORT	<input type="checkbox"/> OTHER

PLEA: Not Guilty

FINDING: Guilty

**HEARING CONVENED:** On 2/28/2013 at approximately 1940 hours, inmate LARSEN made a personal appearance before Correctional Lieutenant M. Nunez, Senior Hearing Officer (SHO), for the purpose of adjudicating this Rules Violation Report. LARSEN stated he was in good health and ready to proceed with this hearing.

**DOCUMENT ISSUANCE:** LARSEN acknowledged that he had received copies of the following documents at least twenty-four (24) hours prior to this hearing:

FORM NO.	DESCRIPTION	DATE ISSUED
CDC-115	Rules Violation Report	2/4/2013
CDC-115A	Serious Rules Violation Report	2/4/2013
CDC-115	Summary of Disciplinary Procedures (Back Page)	2/4/2013
CDC-115A	Summary of Disciplinary Procedures and Inmate Rights (Back Page)	2/4/2013

These reports were reviewed with LARSEN in the hearing. LARSEN is charged with Refusal To Provide Urinalysis Test, a Division 'F' Offense. LARSEN was advised that the charged offense is a violation of CCR §3290. Methods for Testing of Controlled Substances or for Use of Alcohol. CCR §3290(d) states, "Inmates must provide a urine sample when ordered to do so pursuant to these regulations, for the purpose of testing for the presence of controlled substances or the use of alcohol." LARSEN acknowledged understanding the charge and the evidence being presented.

**DISTRICT ATTORNEY:** This matter has not been referred for criminal prosecution.

**TIME CONSTRAINTS:** LARSEN received a copy of the CDC-115 within 15 days of discovery of the charged offense (CCR §3290(a)). This hearing is being held within 30 days from the date LARSEN received a copy of the CDC-115 (CCR §3290(b)). There has been no time constraint violation that would preclude assessment of credit forfeiture for a guilty finding.

**CONFIDENTIAL INFORMATION:** There was no confidential information to be considered.

**PHOTOGRAPH/VIDEOTAPE EVIDENCE:** There were no photographs or videotapes presented as evidence at this hearing.

**MENTAL HEALTH INFORMATION:** LARSEN is identified as a participant in the Mental Health Services Delivery System (MHSDS) at the Correctional Clinical Case Management System (CCCMS) level of care. However, his observed behavior at the time of the rules violation was not reported to have been bizarre, unusual, or uncharacteristic. Therefore, a Mental Health Assessment was not required.

**EFFECTIVE COMMUNICATION:** Effective communication means providing the inmate, to the extent possible, the means to understand and participate in the disciplinary process to the best of their ability. If the inmate's Test of Adult Basic Education (TABE) score is 4.0 or lower, employees are required to query the inmate to determine whether or not assistance is needed to achieve effective communication. LARSEN has a documented TABE score of 10.8. Further, LARSEN does not demonstrate the need for any type of auxiliary communication aids, sign language interpreter or bilingual interpreter. LARSEN demonstrated to the SHO his ability to read and he explained his understanding of the charges against him to the satisfaction of the SHO. The SHO is satisfied that LARSEN has no disabilities or issues that require the use of Equally Effective Communication Tools and that effective communication was achieved with LARSEN throughout the disciplinary process.

**STAFF ASSISTANT:** A Staff Assistant (SA) was not assigned because LARSEN does not meet the assignment criteria per COR 3315(d)(2). LARSEN appears to be literate, understands English, does not require a confidential relationship, and can

<input checked="" type="checkbox"/> COPY OF CDC-115-C GIVEN TO INMATE	SIGNATURE OF WRITER M. Nunez, Correctional Lieutenant (SHO)	DATE SIGNED 2/28/13
	GIVEN BY: (Staff's Signature) <i>[Signature]</i>	DATE SIGNED 3/4/13 TIME SIGNED 1800

STATE OF CALIFORNIA  
RULES VIOLATION REPORT - PART C

DEPARTMENT OF CORRECTIONS AND REHABILITATION

PAGE 2 OF 3

CC NUMBER D-46981	INMATE'S NAME LARSEN	LOG NUMBER C13-01-0105	INSTITUTION CSP-LAC	TODAY'S DATE 2/28/2013
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☐ SUPPLEMENTAL ☒ CONTINUATION OF ☐ CDC 115 CIRCUMSTANCES ☒ HEARING ☐ IE REPORT ☐ OTHER

present his own defense without assistance. LARSEN has no mental health factors that require the assignment of a Staff Assistant.

**INVESTIGATIVE EMPLOYEE:** An Investigative Employee (IE) was not assigned. The Classifying Official evaluated the need for an IE and determined one would not be required. The issues are not complex. LARSEN can complete his own investigation, and available information is sufficient. LARSEN does not meet the assignment criteria per CCR 3315(d)(1).

**PLEA AND STATEMENT:** LARSEN entered a plea of Not Guilty and stated, "I became diabetic and was on insulin. I also am a vegetarian, but I didn't want to be a vegetarian anymore due to the carbs I was talking to the cook to explain my situation when I was approached by Officer Phan and ordered to take a UA."

**WITNESSES:** LARSEN was advised of his right to request witnesses. LARSEN did not request the presence of witnesses at the hearing, however, the SHO elected to call witnesses in order to elicit information necessary to the finding of fact, per CCR 3315(e)(3). The SHO called inmate LARSEN (D-46981) and the following testimony was provided: Q: If you had nothing to hide or fear, why didn't you submit to the urinalysis? A: Because I wanted a Sergeant or someone else there to observe this. Q: Did you curse at Correctional Officer Phan by saying, "Fuck your fucking drug test Phan"? A: I can't really say if I said that or not.

**FINDING:** Guilty of the Division 'F' Offense REFUSING TO PROVIDE A URINE SPECIMEN FOR THE PURPOSE OF TESTING FOR THE PRESENCE OF CONTROLLED SUBSTANCE(S) OR ALCOHOL (§3323(n)(5)). Per CCR 3290 (a) an inmate may be ordered to provide a urine sample for controlled substances under the following circumstances: (1) there is reasonable cause to believe the inmate has possessed, distributed, used or is under the influence of a controlled substance; (2) mandatory testing is a condition of the inmate's participation in a specific program, assignment or activity; (3) mandatory testing is ordered as part of a disciplinary disposition; or (4) the inmate has been selected for random drug testing. Per CCR 3000, controlled substance means any substance, drug, narcotic, opiate, hallucinogen, depressant, or stimulant as defined by H&S 11007. This finding is based upon a preponderance of the following evidence:

- 1) The Reporting Employee's Report (CDC-115) authored by Correctional Officer T. Phan, which states in part, "On Wednesday, January 30, 2013, at approximately 1530 hours, while performing my duties in the North side dining hall during the evening meal, I observed Inmate LARSEN, D-46981, FCBS-140L, talking with the Correctional Supervising Cook regarding his Religious Diet card. I notice that Inmate LARSEN'S speech was extremely slurred and that he was having difficulty articulating his words. Upon closer observation I noticed that Inmate LARSEN'S eye pupils were dilated. I immediately informed Correctional sergeant F. Villalobos of my observations regarding Inmate LARSEN. Sergeant Villalobos directed me to order Inmate LARSEN to submit to a urinalysis test. I subsequently located Inmate LARSEN in Housing Unit C5 and ordered him to submit to a urinalysis test. Inmate LARSEN refused to submit to a urinalysis test, stating, "Fuck your fucking drug test Phan." I again ordered Inmate LARSEN to submit to a urinalysis test and he refused."
- 2) Testimony of Inmate LARSEN (D-46981) at the hearing. Stating that he wanted a sergeant to be present, and didn't deny cursing at Correctional Officer T. Phan.

**SHO COMMENTS:** This SHO elects to find Inmate LARSEN guilty of the charge based upon the preponderance of the evidence presented at the hearing, specifically the Reporting Employee's written report detailing the circumstances surrounding the infraction in addition to Inmate LARSEN's responses to the questions posed to him.

**DISPOSITION:** In accordance with CCR 3315(f), the following penalties have been assessed:

- Assessed 30 days Forfeiture of Credit consistent with the schedule provided in CCR §3323 for a Division 'F' Offense

SIGNATURE OF WRITER M. Nunez, Correctional Sergeant (SHO)		DATE SIGNED 2/28/13	
GIVEN BY: (Staff's Signature) <i>[Signature]</i>		DATE SIGNED 3/14/13	TIME SIGNED 1800

☒ COPY OF CDC 115-C GIVEN TO INMATE



DOC NUMBER D-46881	INMATE'S NAME LARSEN	LOG NUMBER C13-01-0105	INSTITUTION CSP-LAC	TODAY'S DATE 2/28/2013
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF <input type="checkbox"/> CDC 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> I.E. REPORT <input type="checkbox"/> OTHER				

- Assessed 30 days loss of Yard privileges commencing the date of this hearing through 03-29-2013.
- Assessed 30 days loss of Dayroom privileges commencing the date of this hearing through 03-29-2013.
- Assessed 30 days Loss of all Vendor Package privileges commencing the date of this hearing through 03-29-2013.
- Assessed One-Year Mandatory Random Drug Testing. LARSEN must provide a minimum of one random drug test per month for one year, from the date of this hearing through 02-28-2014 (CCR §3315(f)(4)). LARSEN was advised that refusal to submit to a random test or any positive test result during the mandatory random drug testing period shall result in the issuance of a CDC Form 115 and a new mandatory drug testing order (CCR §3315(f)(4)(D)).
- Assessed Mandatory Substance Abuse Education Attendance. LARSEN shall be required to attend Alcoholics Anonymous or Narcotics Anonymous or be assigned to a substance abuse education program to the extent such program are available in the institution/facility.
- Counseled regarding future behavioral expectations and reprimanded.

ENEMY CONCERN: No enemy concern has resulted from this incident.

APPEAL RIGHTS: LARSEN was advised of the finding in this matter. LARSEN was also advised that he would receive a copy of this completed report upon final review by the CDO. LARSEN was advised that he may appeal any portion of the hearing finding, or disposition and that to do so, he must attach the final copy of the CDC-115 to his inmate appeal form. LARSEN is referred to CCR 3084.1 for further information.

CREDIT RESTORATION: LARSEN was advised that per CCR 3323(a)(4)(B), no credit shall be restored when the inmate was found guilty of Refusing To Provide A Urine Specimen For The Purpose Of Testing For The Presence Of Controlled Substance(s) Or Alcohol per CCR 3290(c). LARSEN is referred to CCR Sections 3327 & 3328 for further information.

LARSEN was advised that the results of this hearing would not become final until reviewed and approved by the chief disciplinary officer (CDO) and that after review he would receive the final copy of the completed CDC-115.

2013 MAR 19 AM 9:01  
RECEIVED  
CSP-LAC

<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	SIGNATURE OF WRITER M. Nunez, Corrections Lieutenant (SHO)	DATE SIGNED 2/28/13
	GIVEN BY: (Staff's Signature)	DATE SIGNED 3/14/13
		TIME SIGNED 1:00

NAME and NUMBER

LARSEN

D-46981


FCB5-140L

Thursday, February 28, 2013, this Senior Hearing Officer (SHO) convened a hearing, in regards to rules violation report, Log #C13-01-0105. Inmate LARSEN (FCB5-140L, D-46981) was found Guilty, and as a part of the disposition was assessed '30' days Loss of Privileges, to be served from Thursday, February 28, 2013 through 03-29-2013. In addition Inmate LARSEN was asessed loss of all visits for 90 days followed by non-contact visits for a period of 90 days. Only the following privileges as are identified below, have been suspended or modified.

- Loss of Dayroom.
- Loss of Telephone Privileges (Verified Emergencies only).
- Loss of Quarterly Packages/Special Purchase Orders for the aforementioned period.

Inmate LARSEN is aware of this report.

ORIG : Central-File  
cc : Inmate  
Writer  
CCI  
CCII  
Housing Unit

  
M. Nunez  
Correctional Lieutenant Sho  
Facility "C", CSP-Los Angeles County

DATE: 2/28/2013

LOSS OF PRIVILEGES

GENERAL CHRONO

TYPED BY: c203.Sr

RECEIVED  
FELIX COUNTY  
CLERK'S OFFICE

2013 MAR 19 AM 9:02

NAME and NUMBER

LARSEN


D-46981

FCB5-140 L

February 28, 2013, Inmate LARSEN appeared before this Senior Hearing Officer for the adjudication of CDC-Log Number C13-01-0105, a violation of CCR §3290(d), Refusal To Provide Urinalysis Test. Inmate LARSEN was found **Guilty** of the Division 'F' Offense and was assessed:

- One-Year Mandatory Random Drug Testing, Per CCR 3315(f)(4). Inmate LARSEN must provide a minimum of one random drug test per month for one year, from the date of this hearing through February 28, 2014. Inmate LARSEN was advised that per CCR 3315(f)(4)(D), refusal to submit to a random test or any positive test result during the mandatory random drug testing period shall result in the issuance of a CDC Form 115 and a new mandatory drug testing order.
- Mandatory Substance Abuse Education Attendance, Per CCR 3315(f)(5)(J). Inmate LARSEN shall be required to attend Alcoholics Anonymous or Narcotic Anonymous or be assigned to a substance abuse education program to the extent such programs are available in the institution/facility.

ORIG : C-File  
cc : Chief Disciplinary Officer  
Register of Institution Violations  
Inmate

  
**M. Nunez**  
Correctional Lieutenant (SHO)  
Facility C, CSP-Los Angeles County

February  
DATE: 28, 2013

**MANDATORY RANDOM DRUG TESTING/SUBSTANCE  
ABUSE EDUCATION**

**GENERAL CHRONO**

TYPED BY: c203.Sr



RECEIVED  
FBI - NEW YORK

2013 MAR 19 AM 9:03